



STATE OF INDIANA

ERIC J. HOLCOMB, Governor

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included a copy in their response. The Parole Board included the remaining records requested by the Complainant in the Response. The full list of records provided in the Parole Board's response include the Report of Investigation and Decision of the Parole Board for March 14, 2017; Board Member Review File; Action Sheet; Parole Report; Medical Report and Release of Information; Hearing Results from March 9, 2016; Information from Offender Information System; and Information from Offender Case Management System. These records will be enclosed for Complainant's review.

ANALYSIS

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." *See Indiana Code § 5-14-3-1*. The Indiana Parole Board is a public agency for the purposes of the APRA. *See Indiana Code § 5-14-3-2(n)*. Accordingly, any person has the right to inspect and copy the Board's disclosable public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. *See Indiana Code § 5-14-3-3(a)*. If the Board had received your request, it would have a duty under the APRA to respond within seven days of receipt. *See Indiana Code § 5-14-3-3(c)*.

While a public agency has a duty to respond to a written request for access to records within seven days of receipt of the request, an agency cannot respond to a request it did not receive. Therefore, if the Board did not receive your request, it did not violate the APRA by not responding. Furthermore, the Board responded to our notice of the complaint within five calendar days with copies of the requested records, with the exception of transcripts which the Board does not have.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Indiana Parole Board has not violated the Access to Public Records Act.

Regards,

Luke H. Britt



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A handwritten signature in black ink, appearing to read "L. Britt".

Public Access Counselor

Cc: Mr. Charles F. Miller